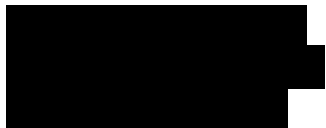




February 5, 2020



Dear [REDACTED]

This Statement of Reasons is in response to the complaint you filed with the Department of Labor on August 8, 2018, alleging that violations of Title IV of the Labor-Management Reporting and Disclosure Act (LMRDA), as made applicable to elections of federal sector unions by 29 C.F.R. § 458.29 and the Civil Service Reform Act of 1978, 5 U.S.C. § 7120, occurred in connection with an election of union officers conducted by the American Federation of Government Employees ("AFGE"), St. Louis Area Council 245 (or "Council") on May 18, 2019.

The Department of Labor (Department) conducted an investigation of your allegations. As a result of the investigation, the Department has concluded, with respect to the specific allegations, that there was no violation of the LMRDA that may have affected the outcome of the election. Following is an explanation of this conclusion.

You alleged that Council 245 improperly allowed [REDACTED], the successful presidential candidate, to run for office, even though he was not a member in good standing. You asserted that in March of 2019, Council 245 reimbursed [REDACTED] for electronic equipment ("equipment") that he purchased on the union's behalf with his personal funds but that [REDACTED] failed to deliver the equipment to the union. You asserted that this was embezzlement of union property and an automatic disqualification from candidacy.

Section 401(e) of the LMRDA provides that every member in good standing is eligible to be a candidate and to hold office (subject to section 504 and to reasonable qualifications uniformly imposed). 29 C.F.R. § 452.32. Contrary to your assertion that [REDACTED] was not in good standing at the time of the 2019 election because he retained possession of equipment that he purchased on the Council's behalf, the AFGE Election Manual states that a member is not disqualified from candidacy merely because the member owes the union property. Thus, [REDACTED] retention of the union equipment did not constitute a violation of the AFGE's governing rules.

In addition, there is no evidence that [REDACTED] retained custody of the equipment in an attempt to misappropriate union property for personal use. The investigation showed that [REDACTED] attempted to deliver the equipment to Council 245 [REDACTED] after he purchased it for the union. However, [REDACTED] instructed [REDACTED] to hold onto the equipment until she could purchase a lock for the file cabinet located in the union office where the equipment would be stored. [REDACTED] complied with [REDACTED] instructions and retained possession of the equipment while awaiting [REDACTED] purchase of the lock. There was no violation of the LMRDA.

For the reasons set forth above, it is concluded that there was no violation of the LMRDA that may have affected the outcome of the election. Accordingly, the office has dismissed your complaint and closed its file in this matter. You may obtain a review of this dismissal by filing a request for review with the Director within 15 days of service of this notice of dismissal. A copy of your request must be served on the Chief, Division of Enforcement (DOE), and the union, and a statement of service must be filed with the Director. The request for review must contain a complete statement of facts and the reasons upon which your request is based. *See* 29 C.F.R. § 458.64(c); *see also* 29 C.F.R. § 458.59.

Sincerely,

[REDACTED]
Brian A. Pifer
Chief, Division of Enforcement

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